



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

Promoting the wise use of land

MEETING DATE September 24, 2015	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT Food Bank Coalition of San Luis Obispo County	FILE NO. DRC2015-00013
SUBJECT Hearing to consider a request by the FOOD BANK COALITION OF SLO COUNTY for a Conditional Use Permit (DRC2015-00013) to: 1) modify a specific condition of approval (Condition 48 –height limits) relating to a portion of Lot 11 of Tract 2368, and 2) construct a two-story, 19,664 square foot warehouse, including 3,520 square feet of administrative offices on Lot 11. The project will result in 2.86 acres of disturbance of the 3.03 acre parcel. The proposed project is within the Commercial Service land use category and is located located at 1180 Kendall Road, south of the City of San Luis Obispo. The site is in the San Luis Obispo urban subarea of the San Luis Obispo planning area.			
RECOMMENDED ACTION 1. Consider and find Conditional Use Permit DRC2015-00013 consistent with the Mitigated Negative Declaration that was previously adopted on August 14, 2003 for Tract 2368. 2. Approve Conditional Use Permit DRC2015-00013 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Mitigated Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Mitigated Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Mitigated Negative Declaration has been identified. No new mitigation measures have been proposed.			
LAND USE CATEGORY Commercial Service	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NUMBER 076-512-011	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.98.060 – Areawide Standards, 22.96.060 – San Luis Obispo Urban Area Standards			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Residence, undeveloped <i>East:</i> Commercial Service/Offices, warehouses, commercial service businesses <i>South:</i> Commercial Service/Offices, warehouses, commercial service businesses <i>West:</i> Commercial Service/Undeveloped			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, CalFire, Airport Manager, Cal Trans, City of San Luis Obispo	
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CalFire	ACCEPTANCE DATE: August 19, 2015

PROJECT HISTORY

Tract 2368, a 26-lot commercial service planned unit development subdivision, was approved by the Planning Commission in August 2003 and recorded in 2006. The subdivision included 23 developable lots and three parcels to be used for drainage basins, water facilities/storage and infrastructure.

Currently, there is approved development on ten of the parcels and proposed development on three additional lots in the tract – including the current parcel (see table below):

Lot #	Approved and Developed	Approved and Under Construction	Proposed
5	12,007 sq.ft. commercial office DRC2013-00082 PMT2013-2709		
6	13,076 sq.ft. commercial shell bldg. DRC2012-00059 PMT2012-02202 and 02203		
7	9,479 sq.ft. office DRC2008- 00036 and PMT2008-01708		
10			15,083 sq.ft. office / warehouse building DRC2014-00124 SUB2015-00002
11 (Current parcel)			19,664 sq.ft. warehouse building DRC2015-00013 SUB2014-00060 (Map to be heard at the SRB 9/14/15)
12	10,800 sq.ft. office DRC2012- 00087 PMT2013-00335		
14 (APN -029)	6,366 sq.ft. equipment rental building DRC2013-00033 PMT2013-02539		
15		25,067 sq.ft. commercial manufacturing bldg. DRC2013-00004 PMT2013-03198	
16	9,998 sq.ft wholesale commercial bldg. 3,000 sq.ft. offic DRC2012-00034 DRC2013-00024 PMT2012-01976 PMT2013-00881		
17	26,000 sq.ft. manufacturing bldg. DRC 2012-00014 PMT2012-01094		
19 (APN -032)	26,378 sq.ft. office DRC2011-00101 PMT2012-00588		

20 (APN -030)	46,000 sq.ft. office DRC2011-00014 PMT2011-00825		
24			Two commercial buildings totaling 7,376 square feet (Restaurants) DRC2013-00106

During review of Tract 2368, specific mitigation measures were developed for water supply and traffic to assure that water usage, and traffic generated, stayed within the levels assumed in the analysis of these issue areas as the tract was developed. These levels were tied to a total of 1,000 employees for all of the parcels when developed. Overall structural development within the subdivision was limited to 500,000 square feet. Conditions of approval provided a formula for the maximum square footage per parcel based on the parcel size as well as a formula for calculating the water allotment per parcel.

When Tract 2368 went to the Planning Commission in 2003, conditions of approval specific to Parcels 9, 11 and 12 were added based on public testimony regarding potential inconsistencies between the future commercial service uses within the subdivision, and the agriculturally zoned property to the north that is developed with a residence. Condition 48 requires a Minor Use Permit (at a minimum), 75-foot rear setback from the northern property line, a visual impact analysis, landscape plan, lighting plan with no lighting on the north facing portion of the structures, a building height of 25 feet, and no windows along the northeastern edge of proposed buildings on Lots 11 and 12 (see attached table for specific condition wording).

A parcel map dividing the overall 3.03 acre parcel (Lot 11) into two parcels of 1.75 and 1.28 acres each is scheduled to be heard by the Subdivision Review Board on September 14, 2015. No amendments to the existing conditions of approval for Tract 2368 or associated Conditional Use Permit are proposed as part of that proposal. Development of the proposed warehouse will occur on Proposed Parcel 1 of the parcel map, the 1.75 acre parcel. The proposed subdivision is recommended for approval.

CURRENT PROPOSAL

The current proposal is requesting that Condition 48 be modified in order to provide the applicant with adequate space to house their operations and administrative offices. The modification pertains to the height limit of 25 feet that are part of the original Conditional Use Permit (S00007U/Tract 2368) conditions of approval. The applicant is requesting a height limit of 34 feet, 10 inches which complies with the 35 foot height limit in the Land Use Ordinance, but this requires amending the conditions from the original Conditional Use Permit. The current proposal pertains only to the portion of Lot 11 where the proposed Food Bank project will be located (Parcel 1 of Parcel Map CO15-0041). Any future development on Parcel 2 of Parcel Map CO15-0041 (or remainder of Lot 11 if the parcel map does not record) will need to comply with the original conditions of approval for Tract 2368/S00007U or apply for a land use permit to modify/waive certain conditions based on a specific proposal for that lot.

Condition 48 currently reads as follows:

48. Permit Requirements and Design Standards for Lots 9, 11 and 12 of Tract 2368:
 - A. **At the time specific development is proposed**, a Minor Use Permit (or higher level of discretionary review if required otherwise) shall be obtained to establish the use and compatibility with the neighboring residential uses (i.e., viewer group expectations and sensitivity).

- B. Lighting: Lighting shall be prohibited on those portions of structures directly facing the northeastern edge of the lots.
- C. Building heights on Lots 9, 11, and 12 shall be limited to a single-story with a maximum height of twenty-five feet (25') above existing grade(s).
- D. Windows: Windows shall be prohibited on those portions of proposed buildings on Lots 11 and 12, located along the northeastern edge of the lots neighboring residential use(s). Windows on those portions of the proposed building on Lot 9 along the northeastern edge of the lot shall be limited to a height of ten feet (10'). Windows shall be tinted, angled and/or recessed to prevent indoor lighting from being visible from the neighboring residential uses after sunset.
- E. Building Setbacks;
 - i. Lot 9 - Thirty feet (30') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
 - ii. Lots 11 & 12 - Seventy-five feet (75') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
- F. The following plans and/or reports shall be included with application submittal:
 - i. Visual Impact Analysis. The visual impact analysis shall identify the critical project components as proposed by the applicant (building location, building height, location of and type of glazing, building color, site lighting and landscaping) and allowed under applicable ordinances. The analysis shall include determining impacts to the neighboring residential uses and possible mitigation measures to lessen any potentially significant visual impacts. The analysis shall utilize line of sight diagrams, photographic simulations or other available technology to evaluate the project's impact to the neighboring residential use(s) and to depict applied mitigation measures illustrating potential effectiveness.
 - ii. Landscape Plan: Submit a landscape plan, prepared by a qualified individual, that will either provide for a solid landscaped buffer along portions of the northeastern edge of the lots 9, 11 and 12 or demonstrate (through the visual impact analysis) that the proposed landscape will provide for adequate privacy screening. Plant material shall consist of a mix of trees and shrubs that are evergreen, fast-growing in clay soils, and drought tolerant.
 - iii. Lighting Plan: Submit a building and site lighting plan. Plan shall depict that all lighting fixtures that are visible to surrounding residences be designed to direct light downward, fully contain direct glare on site, and shall be hooded and shielded, accordingly. Low-profile (bollard type with a maximum height of four feet), minimum intensity lighting shall be utilized. Non-glare lighting shall be used throughout the proposed project. Any security lighting shall be screened such that lights are not visible at a distance of 30 feet.
- G. These measures shall no longer be in effect if the neighboring residential uses cease to exist.

The modifications are as follows:

48. Permit Requirements and Design Standards for Lots 9, 11 and 12 of Tract 2368:
 - A. **At the time specific development is proposed**, a Minor Use Permit (or higher level of discretionary review if required otherwise) shall be obtained to establish the use and compatibility with the neighboring residential uses (i.e., viewer group expectations and sensitivity).
 - B. Lighting: Lighting shall be prohibited on those portions of structures directly facing the northeastern edge of the lots.
 - C. Building heights on Lots 9, 11, and 12 shall be limited to a single-story with a maximum height of twenty-five feet (25') above existing grade(s). **Building heights on the portion of Lot 11 where the proposed warehouse will be located (Parcel 1 of CO15-0041) may be up to 35 feet in height and be two-stories.**
 - D. Windows: Windows shall be prohibited on those portions of proposed buildings on Lots 11 and 12, located along the northeastern edge of the lots neighboring residential use(s). Windows on those portions of the proposed building on Lot 9 along the northeastern edge of the lot shall be limited to a height of ten feet (10'). Windows shall be tinted, angled and/or recessed to prevent indoor lighting from being visible from the neighboring residential uses after sunset.
 - E. Building Setbacks;
 - i. Lot 9 - Thirty feet (30') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
 - ii. Lots 11 & 12 - Seventy-five feet (75') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
 - F. The following plans and/or reports shall be included with application submittal:
 - i. Visual Impact Analysis. The visual impact analysis shall identify the critical project components as proposed by the applicant (building location, building height, location of and type of glazing, building color, site lighting and landscaping) and allowed under applicable ordinances. The analysis shall include determining impacts to the neighboring residential uses and possible mitigation measures to lessen any potentially significant visual impacts. The analysis shall utilize line of sight diagrams, photographic simulations or other available technology to evaluate the project's impact to the neighboring residential use(s) and to depict applied mitigation measures illustrating potential effectiveness.
 - ii. Landscape Plan: Submit a landscape plan, prepared by a qualified individual, that will either provide for a solid landscaped buffer along portions of the northeastern edge of the lots 9, 11 and 12 or demonstrate (through the visual impact analysis) that the proposed landscape will provide for adequate privacy screening. Plant material shall consist of a mix of trees and shrubs that are evergreen, fast-growing in clay soils, and drought tolerant.
 - iii. Lighting Plan: Submit a building and site lighting plan. Plan shall depict that all lighting fixtures that are visible to surrounding residences be designed to direct light downward, fully contain direct glare on site, and shall be hooded and shielded, accordingly. Low-profile (bollard type with

a maximum height of four feet), minimum intensity lighting shall be utilized. Non-glare lighting shall be used throughout the proposed project. Any security lighting shall be screened such that lights are not visible at a distance of 30 feet.

- G. These measures shall no longer be in effect if the neighboring residential uses cease to exist.

The current project is for a 19,664 square foot, two-story warehouse. The Food Bank of San Luis Obispo County currently has two warehouses, one in Paso Robles and one in Oceano, which provide for distribution of food to serve the residents of the County. The current project will consolidate these two facilities into one centralized warehouse that will allow for more convenient delivery of food for residents and organizations that assist underserved members of the community. The request is to eliminate the 25-foot height restriction to allow for a 35-foot structure. The project has been designed to have the loading dock located on the southwestern corner of the building so the structure acts as a noise barrier to the adjacent parcel to the north. The project complies with all of the other standards outlined in condition 48.

The warehouse will have deliveries to and from the facility on a daily basis. It is anticipated that there will be 7-8 truck deliveries per day, most often box trucks; however, the facility has been designed to accommodate tractor-trailer trucks.

PROJECT ANALYSIS
Ordinance Compliance

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	No minimum site area required	3.03 acres currently 1.75 acres once parcel map is recorded
Setbacks Front Side Rear	<ul style="list-style-type: none"> • 10 foot front • 0 foot side • 75 foot rear (per tract conditions) 	<ul style="list-style-type: none"> • 38 feet, 9 inches • 46 feet, 2 inches – east side (from proposed parcel line); 89 feet, 8 inches – west side • 75 feet, 4 inches
Height	<ul style="list-style-type: none"> • 25 feet (per tract conditions) • 35 feet (per LUO) 	34 feet, 10 inches
Parking (<i>where applicable</i>)	15 spaces (1/400 sq.ft. of office, 1/2,000 sq.ft. of warehouse for the first 10,000 sq.ft, 1/5,000 sq.ft. of warehouse after the first 10,000 sq.ft.)	32 standard parking spaces, 12 secured box-truck parking spaces = 44 spaces total
Signs	100 square feet maximum	Less than 100 square feet

Landscaping

These standards are superseded by more stringent requirements set forth in the San Luis Obispo planning area standards and conditions of approval from the previous Conditional Use Permit.

Fencing and Screening

These standards are superseded by more stringent planning area standards and conditions of approval from the previous Conditional Use Permit.

Modifications

As stated above, an exception to the height limit is being requested. Findings and conditions have been added accordingly.

PLANNING AREA STANDARDS

The following sections discuss the planning area standards that apply to this project.

22.98.060 – Areawide Standards:

Applicable standards include: undergrounding of utilities, application referral to the City of San Luis Obispo, transit-oriented standards and highway corridor design. As proposed and conditioned, the project meets these standards (see discussion below).

A condition has been added to the project that all utilities shall be installed underground. The application was referred to the City of San Luis Obispo Community Development Department and Public Works Department for review and comment. The City's referral response recommends that long term water supply and waste water be reviewed and evaluated. It also states that if development proposals go beyond what was originally evaluated as part of the original environmental determination for the project, additional mitigation measures, including impact fees could be necessary.

Transit-oriented standards pertain to projects with employment centers of 100 jobs or more. When the original subdivision (Tract 2368) was being finalized, the applicant at that time paid into a regional transportation fund to provide bus service in the area. The Regional Transit Authority does not have a bus stop next to this subdivision or at the San Luis Obispo Regional Airport, but does have a stop within approximately one mile of the project (at the Marigold Center in the City of San Luis Obispo). Highway corridor design standards were incorporated into the original conditions of approval for the subdivision and the prior Conditional Use Permit including building and landscape corridors, limited fencing, and screening of parking areas.

22.96.060 – San Luis Obispo Urban Area Standards:

Applicable standards include providing an on-site water supply, limitations on use, airport area standards, landscaping standards and an allowance for a reduction in the number of required parking spaces. As proposed and conditioned, the project complies with these standards (see discussion below).

The project is served by the East Airport Fiero Lane Water Company for water and the Fiero Lane Water Company for sewer. With regard to the airport area standards, the original subdivision (Tract 2368) was required to design for dry sewer and water facilities for future connection to City systems if annexed in the future, and is required to have the current wastewater system inspected annually.

COMBINING DESIGNATIONS

Airport Review Area (AR)

Properties located in the AR area are required to have Airport Land Use Commission (ALUC) review to allow for a determination of consistency with the Airport Land Use Plan (ALUP). Tract 2368, a 26-lot commercial service subdivision was reviewed by the ALUC on April 4, 2001. The project was found consistent with ALUP. A few of the design elements of the tract resulted from that review. The most significant is the somewhat perpendicular alignment of Kendall Road with Runway 7-25 and wide dimension of Kendall Road, free from street light poles and center divider trees. The rationale behind the street alignment was to have an open and suitable area for an aircraft to touchdown in the case of an engine/mechanical failure at either a departure or approach to Runway 7-25. The orientation, alignment and wide dimension of Kendall Road also allows for an Airport Compatible Open Space (ACOS) inside this tract, which according to the ALUP, allows for an increase in non-residential density from 40 people per acre to a maximum of 50 people per acre.

Another notable condition set forth by the ALUC was that future projects within Tract 2368 comply with the current ALUP regarding density. The ALUP allows up to 50 people per acre in Safety Area S-1c, along with the approved ACOS, the allowable density is 50 people x 1.75 acres = 88 people maximum on proposed Parcel 1, and 64 people maximum on proposed Parcel 2 (50 x 1.28 acres). Future development will need to comply with this standard.

ENVIRONMENTAL DETERMINATION

Since the original project was approved in 2003, a new Clean Air Plan was adopted by the Air Pollution Control District (APCD). The conditions of approval incorporate the new policies and standards from the 2009 Clean Air Plan. Conditions of approval have been added accordingly and do not represent a significant change to the previously adopted Mitigated Negative Declaration warranting additional environmental review. Therefore staff prepared an addendum to the previously issued Mitigated Negative Declaration outlining the change to the overall project description, but showing that the impacts associated with the new parcel are the same because the overall maximum square footage and water usage allowed will not change.

STAFF COMMENTS

To respond to the City of San Luis Obispo comments regarding increased development and the need to evaluate existing mitigation measures to determine if they are still adequate, staff has determined that the current subdivision and proposed development of a warehouse on Parcel 1 would be considered to be within the parameters evaluated during the environmental review of the original tract and conditional use permit. No additional environmental mitigation measures are considered necessary.

AGENCY REVIEW

Public Works – Recommends conditions regarding access, storm water, and drainage

CalFire – No comments received

Cal Trans – No comments received

City of San Luis Obispo - Need to evaluate long term water supply and wastewater capacity, review environmental document to ensure new development is within the assumed parameters

LEGAL LOT STATUS

The one lot was legally created by a recorded map (Lot 11, Tract 2368) at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Steve McMasters, Supervising Planner